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2 UNITED STATES DISTRICT COURT  
3 EASTERN DISTRICT OF NEW YORK

4 - - - - -  
5 ADRIAN SCHOOLCRAFT,

6 Plaintiff,

7 -against- Index No.

10CIV-6005 (RWS)

8  
9 THE CITY OF NEW YORK, DEPUTY CHIEF  
MICHAEL MARINO, Tax Id. 873220,  
Individually and in his Official  
10 Capacity, ASSISTANT CHIEF PATROL  
BOROUGH BROOKLYN NORTH GERALD NELSON,  
11 Tax Id. 912370, Individually and in his  
Official Capacity, DEPUTY INSPECTOR  
12 STEVEN MAURIELLO, Tax Id. 895117,  
Individually and in his Official  
13 Capacity, CAPTAIN THEODORE LAUTERBORN,  
Tax Id. 897840, Individually and in his  
14 Official Capacity, LIEUTENANT JOSEPH  
GOFF, Tax Id. 894025, Individually and  
15 in his Official Capacity, stg. Frederick  
Sawyer, Shield No. 2576, Individually  
16 and in his Official Capacity, SERGEANT  
KURT DUNCAN, Shield No. 2483,  
17 Individually and in his Official  
Capacity, LIEUTENANT TIMOTHY CAUGHEY,  
18 Tax Id. 885374, Individually and in his  
Official Capacity, SERGEANT SHANTEL  
19 JAMES, Shield No. 3004, and P.O.'s "JOHN  
DOE" 1-50, Individually and in their  
20 Official Capacity (the name John Doe  
being fictitious, as the true names are  
21 presently unknown)(collectively referred  
to as "NYPD defendants"), JAMAICA  
22 HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV,  
Individually and in his Official  
23 Capacity, DR. LILIAN ALDANA-BERNIER,  
Individually and in her Official Capacity  
24 and JAMAICA HOSPITAL MEDICAL CENTER  
EMPLOYEES "JOHN DOE" # 1-50, Individually

25 (Continued)

1  
2 and in their Official Capacity (the name  
3 John Doe being fictitious, as the true  
4 names are presently unknown),

5 Defendants.

6 - - - - - x

7 220 42nd Street  
8 New York, New York  
9 May 30, 2014  
10 10:28 a.m.

11 VIDEOTAPED DEPOSITION of ANTHONY J.  
12 MAFFIA, a Witness on behalf of one of the  
13 Defendants, JAMAICA HOSPITAL MEDICAL  
14 CENTER, in the above-entitled action,  
15 held at the above time and place, taken  
16 before Margaret Scully-Ayers, a Shorthand  
17 Reporter and Notary Public of the State  
18 of New York, pursuant to Order and the  
19 Federal Rules of Civil Procedure.

20 \* \* \*

1 A. MAFFIA

2 I'm sorry.

3 Q. Was the fourth one performance  
4 evaluations at the hospital for doctors?

5 A. Yes [indicating].

6 Q. Is that correct?

7 A. Yes. Sorry.

8 Q. Does the hospital have any  
9 procedures, protocols, or practice with  
10 respect to doing evaluations on the  
11 performance of doctors that work for it?

12 A. Yes.

13 Q. What are those?

14 A. They get a yearly evaluation.

15 Q. Is there a policy document that  
16 describes what that yearly evaluation  
17 covers?

18 A. The evaluation which I'm  
19 somewhat familiar with has the tenet of  
20 what the evaluation is about; what the  
21 doctor is evaluated on. It kind of  
22 serves as the policy and the evaluation  
23 tool.

24 Q. Can you explain that answer?

25 A. In other words, on the

1 A. MAFFIA

2 evaluation there are things that the  
3 doctor was evaluated on and that serves  
4 as the policy.

5 Is there a policy they get a  
6 yearly evaluation, the answer is yes.

7 Q. So there is a form of  
8 evaluation used to evaluation doctors?

9 A. That's correct, right.

10 Q. And the form covers certain  
11 subject matters; is that correct?

12 A. Yes.

13 Q. And are you telling me that the  
14 hospital policy about what the factors  
15 are in order to assess the performance of  
16 the doctors who works at the hospital are  
17 set forth in the form?

18 A. Yes.

19 MR. SMITH: I request the  
20 production of the form, Jamaica  
21 Hospital evaluation that was employed  
22 to evaluate doctors for the period  
23 2007, '8, '9.

24 MR. RADOMISLI: Taken under  
25 advisement. Please follow up in

1 A. MAFFIA

2 writing.

3 Q. Have you looked at that form  
4 recently?

5 A. Yes, just perused it briefly.

6 Q. When?

7 A. During one of our conversations  
8 with the attorneys.

9 Q. What do you recall about the  
10 form?

11 A. It has certain items that the  
12 physicians are evaluated on.

13 Q. What are the items?

14 A. Their ability to relate to  
15 patients, ability to relate to staff, the  
16 ability to work on an interdisciplinary  
17 team, those are some of the items.

18 Q. I would like to know all of the  
19 items.

20 A. I couldn't recount them all.

21 Q. Do you have them here today?

22 A. I don't have them.

23 Q. So you're not ready to testify  
24 about the subject matter of the  
25 evaluation process for doctors at Jamaica

1                   A. MAFFIA

2       psychiatrist.

3           Q.       You are not answering my  
4       question.

5                   Is there anywhere in Jamaica  
6       Hospital policy some sort of  
7       authorization to hold a patient before  
8       the patient is psychologically evaluated?

9           A.       I'm sorry. I can't answer  
10      that, I don't know.

11          Q.       In this case Schoolcraft was  
12      brought to the hospital on the night of  
13      October 31, 2009, and he was  
14      psychologically assessed the following  
15      day.

16                   Is there anything in Jamaica  
17      Hospital policy that authorizes it or  
18      permits any of its employees to hold a  
19      patient against the patient's will before  
20      the patient has been evaluated for  
21      involuntary admission?

22          A.       I don't believe that I know  
23      that.

24          Q.       Does hospital policy require  
25      physicians to consider the safety of the

1                   A. MAFFIA

2       community in making involuntary admission  
3       decisions?

4           A.       The admission decision is based  
5       on the 9.39 regulation from the mental  
6       hygiene law which is again a danger to  
7       self or others. The physician makes that  
8       determination.

9           Q.       So does the hospital policy  
10       require physicians to protect the  
11       community?

12                   MR. RADOMISLI: Objection to  
13       form.

14                   You can answer.

15           A.       Yes.

16           Q.       What are the factors involved  
17       in making an involuntary commitment  
18       decision?

19           A.       The physician has to evaluate  
20       the patient as it states in the law.  
21       They have to determine if the patient is  
22       a danger to himself or others.

23           Q.       Are you capable of providing me  
24       with information about how that decision  
25       is made on a particularized basis?



1 A. MAFFIA

2 A. No, because the psychiatric  
3 assessment is done by the physician.

4 Q. Is there any time requirement  
5 in the hospital policy governing when a  
6 second evaluation must be done in order  
7 to maintain a patient's status as an  
8 involuntary?

9 A. I think that's in the policy.  
10 Let me check the policy. I think it's  
11 "The admitting doctor will be responsible  
12 for" --

13 THE REPORTER: You have to slow  
14 down.

15 Q. You don't have to read it out  
16 loud. Take a look and tell me whether or  
17 not there is such a requirement.

18 A. Yes. It's conducted.

19 Q. What is the requirement?

20 A. Conducted within 48 hours of  
21 admission.

22 Q. So the second evaluation has to  
23 be done within 48 hours of admission?

24 A. Uh-huh.

25 THE REPORTER: Yes?



1 A. MAFFIA

2 question.

3 Q. These are references to  
4 categorizing the various work categories  
5 either within or outside of the Americans  
6 with Disabilities Act Essential Job  
7 Functions?

8 A. Yes.

9 Q. Who was the one that filled out  
10 or prepared these forms with respect to  
11 individual psychiatrists in the  
12 Psychiatric Department of Jamaica  
13 Hospital?

14 A. Who does the evaluations?

15 Q. Yes.

16 A. The physicians are evaluated by  
17 the unit chief.

18 Q. Who were or was the unit chief  
19 in October 2009?

20 A. I believe this was a Dr.  
21 Edelman, Martha Edelman, E-D-E-L-M-A-N.

22 Q. Does this evaluation apply to  
23 doctors or psychiatrists who work in the  
24 emergency room as well and doctors or  
25 psychiatrists that work in the various

1                   A.     MAFFIA

2     wards?

3           A.     Yes.

4           Q.     Does the evaluation process  
5     track the number of patients that a  
6     doctor sees during a period of time?

7           A.     No.

8           Q.     Does the evaluation process at  
9     Jamaica Hospital track the amount of  
10    revenue that a physician generates or  
11    assists in generating for purposes of  
12    assessing the performance of the doctor?

13          A.     No.

14          Q.     Does the evaluation process  
15    keep track of whether or not a physician  
16    or psychiatrist in the Psychiatric  
17    Department maintain levels of training?

18          A.     Well, there is a -- yes, it  
19    does.

20          Q.     Where is that on the form?

21          A.     There is a skill competency  
22    check on the second page and....

23          Q.     What are you referring to,  
24    specifically?

25          A.     I'm sorry. It says "Skills."

1 A. MAFFIA

2 So those competencies would have to be  
3 fulfilled.

4 If you also look at "Learning  
5 Resources."

6 Q. What page are you at?

7 A. I think it looks like page 6.

8 Q. What are those?

9 A. So those would be things that  
10 the supervisor would assess and evaluate  
11 the physician on.

12 It says, "the application of  
13 knowledge and of skills appropriate to  
14 care of patients."

15 Q. Where were you just reading  
16 from?

17 A. I'm sorry under, "Criteria for  
18 Success."

19 Q. Yes.

20 A. Number 1.

21 Q. Thank you.

22 Is the process for evaluating  
23 Dr. Bernier the same as the process for  
24 evaluating Dr. Isakov?

25 A. The process, yes.